REMARKS/ARGUMENTS

Claims 1-44 are pending in the present application. Claims 17-28 have been withdrawn from consideration. Claims 1-5, 8, 11-16, 29-33, 36, and 39-44 have been rejected. Claims 6, 7, 9, 10, 34, 35, 37, and 38 have been objected to. Applicant respectfully requests reconsideration of pending claims 1-16 and 29-44.

The Draftsperson has noted an informality with respect to Fig. 6. Applicants submit herewith a formal drawing of Fig. 6.

The Examiner states that Applicants should cancel the non-elected claims 17-28 to expedite prosecution, should the response place the instant application in condition for allowance. Applicants cancel claims 17-28.

The Examiner has rejected claims 1-4, 8, 11-16, 29-33, 36, and 39-44 under 35 U.S.C. § 102(b) as being anticipated by Galand et al. (U.S. Patent No. 5,568,477). Applicants respectfully disagree.

Regarding claim 1, Applicants submit that the cited portions of Galand et al. fail to disclose the present invention as set forth in claim 1. For example, Applicants submit that the cited portions of Galand et al. fail to disclose "when the packet has not been received successfully, generating a purging data set that is included in the final segmentation cell that is provided to the switching fabric." The Examiner cites col. 6, lines 58-67, of Galand et al. as teaching such feature. However, the cited portion of Galand et al. states, "The validity checking consists in computing the CRC-8 of the received ATM cell and comparing this computed value to the CRC-8 carried by the cell." Thus, Applicants submit that the cited portion of Galand et al. relates to validity checking of a cell, not to "when the packet has not been received successfully." Moreover, Applicants submit that the cited portion of Galand et al. fails to disclose "generating a purging data set that is included in the final segmentation cell that is provided to the switching fabric."

As another example, Applicants submit that Galand et al. not only fails to disclose, but in fact teaches away from "as the packet is being received, creating segmentation cells from portions of the packet received, wherein each segmentation cell is provided to a switching fabric as the segmentation cell is completed." Instead, Galand et al. state, in col. 6, lines 19 and 20, "Each complete packet is passed to the switch,...." Implementations of the present invention need not wait for a packet to be

"complete," but may create "segmentation cells from portions of the packet received, wherein each segmentation cell is provided to a switching fabric as the segmentation cell is completed."

Thus, Applicants submit that the cited portions of Galand et al. fail to disclose the claimed invention as set forth in claim 1. Therefore, Applicant submits that claim 1 is in condition for allowance.

Regarding claim 2, Applicants submit that the cited portions of Galand et al. fail to disclose the present invention as set forth in claim 2. For example, Applicants submit that the cited portions of Galand et al. fail to disclose "wherein at least a portion of the first encapsulation format is removed from the packet prior to creation of the segmentation cells." The Examiner cites col. 5, lines 15-21, and col. 6, lines 1-13, of Galand et al. as teaching such feature. The cited portion of Galand et al. states, "The switch routing header SRH and the ATM header are passed to the switch interface R_SIA along with the VL packet. In other words, they are both used to 'encapsulate' VL packets." However, Applicants can find no mention in the cited portions of Galand et al. that "at least a portion of the first encapsulation format is removed from the packet prior to creation of the segmentation cells." Thus, Applicants submit that the cited portions of Galand et al. fail to disclose the claimed invention as set forth in claim 2. Therefore, Applicant submits that claim 2 is in condition for allowance.

Regarding claim 3, Applicants respectfully disagree. As noted above, the portion of Galand et al. cited by the Examiner as teaching the subject matter of claim 3 (col. 6, lines 15-28) includes statements that Applicants have already asserted teach away from the claimed invention as set forth in claim 1. Thus, as claim 3 depends from base claim 1, Applicants submit that the same statements found in the cited portion of Galand et al. cannot be argued to disclose the subject matter of claim 3. Therefore, Applicants submit that claim 3 is in condition for allowance.

Regarding claim 4, as noted above, Applicants submit that the cited portions of Galand et al. not only fail to disclose, but in fact teach away from the claimed invention as set forth in claim 4. For example, claim 4 includes, "when a sufficient portion of the packet has been received to create a segmentation cell, creating the segmentation cell and providing the segmentation cell to the switching fabric." However, Galand et al. state, in col. 6, lines 19 and 20, "Each complete packet is passed to the switch,...." Thus, Applicants submit that Galand et al. fails to disclose the claimed invention as set forth in claim 4. Therefore, Applicants submit that claim 4 is in condition for allowance.

Regarding claim 5, Applicants respectfully disagree. The Examiner cites col. 6, lines 24-28, of Galand et al. as teaching "wherein, for a first segmentation cell, determining that a sufficient portion of the packet has been received for the first segmentation cell further comprises determining that enough of the packet has been received to determine a route for segmentation cells of the packet through the switching fabric and determining that enough of the packet has been received to fill available payload space within the first segmentation cell." However, the cited portion of Galand et al. refers to "padding bits," which appears to teach away from "determining that enough of the packet has been received to fill available payload space within the first segmentation cell." Moreover, the cited portion of Galand et al. does not appear to disclose "determining that enough of the packet has been received to determine a route for segmentation cells of the packet through the switching fabric." Thus, Applicants submit that Galand et al. fail to disclose the claimed invention as set forth in claim 5. Therefore, Applicants submit that claim 5 is in condition for allowance.

Regarding claim 8, Applicants respectfully disagree. As noted above, Applicants submit that col. 6, lines 60-67, of Galand et al. include the statement, "The validity checking consists in computing the CRC-8 of the received ATM cell and comparing this computed value to the CRC-8 carried by the cell." Thus, Applicants submit that col. 6, lines 60-67, of Galand et al. relate to validity checking of a cell, not to "verifying that the packet has not been received successfully." Therefore, Applicants submit that the col. 6, lines 60-67, of Galand et al. fail to disclose the claimed invention as set forth in claim 8 and that claim 8 is in condition for allowance.

Regarding claim 11, Applicants respectfully disagree. Applicants have presented arguments above as to how the cited portions of Galand et al. fail to disclose and, in fact, teach away from, the claimed invention as set forth in base claim 1. Thus, Applicants submit that the cited portions fail to disclose and, in fact, teach away from the claimed invention as set forth in claim 11. Therefore, Applicants submit that claim 11 is in condition for allowance.

Regarding claim 12, Applicants respectfully disagree. Applicants can find no teaching in the cited portions of Galand et al. of "receiving the packet as a plurality of ATM cells over a plurality of virtual connections." Thus, Applicants submit that the cited portions of Galand et al. fail to disclose the claimed invention as set forth in claim 12. Therefore, Applicants submit that claim 12 is in condition for allowance.

Regarding claim 13, Applicants respectfully disagree. Applicants can find no mention of "packet over SONET format" in the cited portions of Galand et al. Moreover, the Examiner has not described how "VL packet or see Figure 2 and col. 2, lines 60-67" can allegedly be construed to disclose "packet over SONET format." Thus, Applicants submit that the cited portions of Galand et al. fail to disclose the claimed invention as set forth in claim 13. Therefore, Applicants submit that claim 13 is in condition for allowance.

Regarding claim 14, Applicants respectfully disagree. Applicants can find no mention of "Frame Relay format" in the cited portions of Galand et al. Moreover, the Examiner has not described how "VL packet or see Figure 2 and col. 2, lines 60-67" can allegedly be construed to disclose "Frame Relay format." Thus, Applicants submit that the cited portions of Galand et al. fail to disclose the claimed invention as set forth in claim 14. Therefore, Applicants submit that claim 14 is in condition for allowance.

Regarding claim 15, Applicants respectfully disagree. Applicants have presented arguments above as to how the cited portions of Galand et al. fail to disclose and, in fact, teach away from, the claimed invention as set forth in base claim 1. Thus, Applicants submit that the cited portions fail to disclose and, in fact, teach away from the claimed invention as set forth in claim 15. Therefore, Applicants submit that claim 15 is in condition for allowance.

Regarding claim 16, Applicants respectfully disagree. Applicants have presented arguments above as to how the cited portions of Galand et al. fail to disclose and, in fact, teach away from, the claimed invention as set forth in base claim 1. Thus, Applicants submit that the cited portions fail to disclose and, in fact, teach away from the claimed invention as set forth in claim 16. Therefore, Applicants submit that claim 16 is in condition for allowance.

Regarding claim 29, Applicants submit that the cited portions of Galand et al. fail to disclose the present invention as set forth in claim 29. For example, Applicants submit that the cited portions of Galand et al. fail to disclose "when the packet has not been received successfully, generating a purging data set that is included in the final segmentation cell that is provided to the switching fabric." The Examiner cites col. 6, lines 58-67, of Galand et al. as teaching such feature. However, the cited portion of Galand et al. states, "The validity checking consists in computing the CRC-8 of the received ATM cell and comparing this computed value to the CRC-8 carried by the cell." Thus, Applicants submit that the cited portion of Galand et al. relates to validity checking of a cell, not to "when the packet has

not been received successfully." Moreover, Applicants submit that the cited portion of Galand et al. fails to disclose "generating a purging data set that is included in the final segmentation cell that is provided to the switching fabric."

As another example, Applicants submit that Galand et al. not only fails to disclose, but in fact teaches away from "as the packet is being received, creating segmentation cells from portions of the packet received, wherein each segmentation cell is provided to a switching fabric as the segmentation cell is completed." Instead, Galand et al. state, in col. 6, lines 19 and 20, "Each complete packet is passed to the switch,...." Implementations of the present invention need not wait for a packet to be "complete," but may create "segmentation cells from portions of the packet received, wherein each segmentation cell is provided to a switching fabric as the segmentation cell is completed."

Thus, Applicants submit that the cited portions of Galand et al. fail to disclose the claimed invention as set forth in claim 29. Therefore, Applicant submits that claim 29 is in condition for allowance.

Regarding claim 30, Applicants submit that the cited portions of Galand et al. fail to disclose the present invention as set forth in claim 30. For example, Applicants submit that the cited portions of Galand et al. fail to disclose a feature to "cause the processing module to remove at least a portion of the first encapsulation format from the packet prior to creation of the segmentation cells." The Examiner cites col. 6, lines 1-13, of Galand et al. as teaching such feature. However, Applicants can find no mention in the cited portions of Galand et al. that "at least a portion of the first encapsulation format" is removed "from the packet prior to creation of the segmentation cells." Thus, Applicants submit that the cited portions of Galand et al. fail to disclose the claimed invention as set forth in claim 30. Therefore, Applicant submits that claim 30 is in condition for allowance.

Regarding claim 31, Applicants respectfully disagree. As noted above, the portion of Galand et al. cited by the Examiner as teaching the subject matter of claim 29 (col. 6, lines 14-28) includes statements that Applicants have already asserted teach away from the claimed invention as set forth in claim 29. Thus, as claim 31 depends from base claim 29, Applicants submit that the same statements found in the cited portion of Galand et al. cannot be argued to disclose the subject matter of claim 31. Therefore, Applicants submit that claim 31 is in condition for allowance.

Regarding claim 32, as noted above, Applicants submit that the cited portions of Galand et al. not only fail to disclose, but in fact teach away from the claimed invention as set forth in claim 32. For

example, claim 32 includes, "when a sufficient portion of the packet has been received to create a segmentation cell, creating the segmentation cell and providing the segmentation cell to the switching fabric." However, Galand et al. state, in col. 6, lines 19 and 20, "Each complete packet is passed to the switch,...." Thus, Applicants submit that Galand et al. fails to disclose the claimed invention as set forth in claim 32. Therefore, Applicants submit that claim 32 is in condition for allowance.

Regarding claim 33, Applicants respectfully disagree. The Examiner cites col. 6, lines 14-28, of Galand et al. as teaching "for a first segmentation cell, determining that a sufficient portion of the packet has been received for the first segmentation cell further comprises determining that enough of the packet has been received to determine a route for segmentation cells of the packet through the switching fabric and determining that enough of the packet has been received to fill available payload space within the first segmentation cell." However, the cited portion of Galand et al. refers to "padding bits," which appears to teach away from "determining that enough of the packet has been received to fill available payload space within the first segmentation cell." Moreover, the cited portion of Galand et al. does not appear to disclose "determining that enough of the packet has been received to determine a route for segmentation cells of the packet through the switching fabric." Thus, Applicants submit that Galand et al. fail to disclose the claimed invention as set forth in claim 33. Therefore, Applicants submit that claim 33 is in condition for allowance.

Regarding claim 36, Applicants respectfully disagree. As noted above, Applicants submit that col. 6, lines 60-67, of Galand et al. include the statement, "The validity checking consists in computing the CRC-8 of the received ATM cell and comparing this computed value to the CRC-8 carried by the cell." Thus, Applicants submit that col. 6, lines 60-67, of Galand et al. relate to validity checking of a cell, not to "verifying that the packet has not been received successfully." Therefore, Applicants submit that the col. 6, lines 60-67, of Galand et al. fail to disclose the claimed invention as set forth in claim 36 and that claim 36 is in condition for allowance.

Regarding claim 39, Applicants respectfully disagree. Applicants have presented arguments above as to how the cited portions of Galand et al. fail to disclose and, in fact, teach away from, the claimed invention as set forth in base claim 29. Thus, Applicants submit that the cited portions fail to disclose and, in fact, teach away from the claimed invention as set forth in claim 39. Therefore, Applicants submit that claim 39 is in condition for allowance.

Regarding claim 40, Applicants respectfully disagree. Applicants can find no teaching in the cited portions of Galand et al. of "wherein the packet is received as a plurality of ATM cells over a plurality of virtual connections." Thus, Applicants submit that the cited portions of Galand et al. fail to disclose the claimed invention as set forth in claim 40. Therefore, Applicants submit that claim 40 is in condition for allowance.

Regarding claim 41, Applicants respectfully disagree. Applicants can find no mention of "packet over SONET format" in the cited portions of Galand et al. Moreover, the Examiner has not described how "VL packet or see Figure 2 and col. 2, lines 60-67" can allegedly be construed to disclose "packet over SONET format." Thus, Applicants submit that the cited portions of Galand et al. fail to disclose the claimed invention as set forth in claim 41. Therefore, Applicants submit that claim 41 is in condition for allowance.

Regarding claim 42, Applicants respectfully disagree. Applicants can find no mention of "Frame Relay format" in the cited portions of Galand et al. Moreover, the Examiner has not described how "VL packet or see Figure 2 and col. 2, lines 60-67" can allegedly be construed to disclose "Frame Relay format." Thus, Applicants submit that the cited portions of Galand et al. fail to disclose the claimed invention as set forth in claim 42. Therefore, Applicants submit that claim 42 is in condition for allowance.

Regarding claim 43, Applicants respectfully disagree. Applicants have presented arguments above as to how the cited portions of Galand et al. fail to disclose and, in fact, teach away from, the claimed invention as set forth in base claim 29. Thus, Applicants submit that the cited portions fail to disclose and, in fact, teach away from the claimed invention as set forth in claim 43. Therefore, Applicants submit that claim 43 is in condition for allowance.

Regarding claim 44, Applicants respectfully disagree. Applicants have presented arguments above as to how the cited portions of Galand et al. fail to disclose and, in fact, teach away from, the claimed invention as set forth in base claim 29. Thus, Applicants submit that the cited portions fail to disclose and, in fact, teach away from the claimed invention as set forth in claim 44. Therefore, Applicants submit that claim 44 is in condition for allowance.

The Examiner states that claims 6, 7, 9, 10, 34, 35, 37, and 38 are objected to as being dependent upon a rejected base claim but states that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view

of Applicants' arguments presented above with respect to claims from which such claims depend, Applicants submit that claims 6, 7, 9, 10, 34, 35, 37, and 38 are in condition for allowance.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

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Date

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